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Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

DANA HOOVER,

Plaintiff,

vs.

LOWE'S COMPANIES, INC., d/b/a
Lowe's Home Centers, LLC,

Defendant.

CASE NO.

**DEFENDANT LOWE'S HOME
CENTERS, LLC'S NOTICE OF
REMOVAL OF ACTION**

[28 U.S.C. §§ 1332, 1441, AND 1446]

**TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF ALASKA:**

PLEASE TAKE NOTICE that Defendant LOWE'S HOME CENTERS, LLC (hereinafter referred to as "LOWE'S") by and through its counsel of record, hereby removes the above-captioned action from the Superior Court of the State of Alaska, Fourth Judicial District at Fairbanks, to the United States District Court, District of Alaska, for the reasons described below:

1. LOWE'S is a named Defendant in a civil action pending against it in the Superior Court of the State of Alaska, Fourth Judicial District at Fairbanks, entitled *Dana Hoover v. Lowe's Companies, Inc., d/b/a Lowe's Home Centers, LLC*, Case No. 4FA-19-

01883 CL. A copy of the Complaint filed on behalf of Plaintiff DANA HOOVER (hereinafter referred to as "Plaintiff") is attached hereto as **Exhibit A**.

2. On May 10, 2019, LOWE'S was served with Plaintiff's Summons and Complaint. This Notice of Removal is filed within thirty (30) days thereafter, and is timely filed under 28 U.S.C. § 1446(b).

3. Following the filing of this Notice of Removal of Action, written notice of this filing will be served on all adverse parties and will be filed with the Clerk of the Superior Court of the State of Alaska, Fourth Judicial District at Fairbanks, in accordance with 28 U.S.C. § 1446(d).

JURISDICTION

4. This is a civil action over which this Court has original subject matter jurisdiction under 28 U.S.C. § 1332. This case may be removed to this Court by LOWE'S pursuant to the provisions of 28 U.S.C. § 1441(a)-(b) because this is a case that could have been commenced in federal court based on complete diversity of citizenship.

5. Plaintiff's Complaint states Plaintiff is a resident of Alaska.

6. LOWE'S is a limited liability company formed in the State of North Carolina. The company was originally formed as a corporation in the State of North Carolina in 1958, and it was converted to LOWE'S HOME CENTERS, LLC, a North Carolina limited liability company in 2013. The Articles of Conversion were filed on October 30, 2013, and the principal place of business of LOWE'S HOME CENTERS, LLC is 1605 Curtis Bridge Road, Wilkesboro, North Carolina 28697.

7. Based on the allegations contained in Plaintiff's Complaint, the amount in

controversy exceeds the jurisdictional threshold and is in excess of \$75,000.

8. WHEREFORE, the undersigned requests that the action described above be removed in its entirety to this Court for all further proceedings pursuant to 28 U.S.C. § 1441, *et seq.*

VENUE

9. Venue is proper in the United States District Court, District of Alaska pursuant to 28 U.S.C. §§ 81A, 1390, 1391 and 1446. The original state court case in which Plaintiff filed her Complaint was venued in the Superior Court of the State of Alaska, Fourth Judicial District at Fairbanks. Additionally, Plaintiff alleges in her Complaint that she suffered injuries as the result of a LOWE'S employee's actions in a LOWE'S store, (See Plaintiff's Complaint, attached hereto as Exhibit A), which on information and belief, is located in Fairbanks, Alaska. Thus, venue is proper in the United States District Court, District of Alaska pursuant to 28 U.S.C. § 1391(b) because the original state court case in which Plaintiff filed her Complaint is within the United States District Court for the District of Alaska, and because a substantial part of the events or omissions giving rise to Plaintiff's claims occurred within the judicial district of the United States District Court for the District of Alaska.

INTRA-DISTRICT ASSIGNMENT

10. Plaintiff alleges in her Complaint that she suffered injuries in a LOWE'S store (See Plaintiff's Complaint, attached hereto as Exhibit A) located in Fairbanks, Alaska. Thus, venue in the United States District Court for the District of Alaska is proper under L.Civ.R. 3.2 because the events giving rise to Plaintiff's purported injuries

are alleged to have occurred in Fairbanks, Alaska.

Dated: May 28, 2019

LEWIS BRISBOIS BISGAARD & SMITH LLP

By: /s/ John S. Poulos

John S. Poulos, Alaska Bar No. 9410086

Attorney for Defendant

FEDERAL COURT - CERTIFICATE OF SERVICE

Hoover v. Lowe's Companies, Inc. - Case No. Unassigned

At the time of service, I was over 18 years of age and not a party to the action. My business address is 2020 West El Camino Avenue, Suite 700, Sacramento, CA 95833. I am employed in the office of a member of the bar of this Court at whose direction the service was made.

On **May 28, 2019**, I served the following document(s):

DEFENDANT LOWE'S HOME CENTERS, LLC'S NOTICE OF REMOVAL OF ACTION

I served the documents on the following persons at the following addresses (including fax numbers and e-mail addresses, if applicable):

Sandra Rolfe, Esq. STEPOVICH & VACURA LAW OFFICE 543 Second Ave., Suite A Fairbanks, Alaska 99701 T: (907) 456-6600 F: (907) 452-5205 E: skwesq@gmail.com	Attorneys for Plaintiff, DANA HOOVER
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The documents were served by the following means:

- ☒ (BY OVERNIGHT DELIVERY) Based on an agreement of the parties to accept service by overnight delivery, I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses listed above. I placed the envelope or package for collection and delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- ☒ (BY COURT'S CM/ECF SYSTEM) Pursuant to Local Rule, I electronically filed the documents with the Clerk of the Court using the CM/ECF system, which sent notification of that filing to the persons listed above.

I declare under penalty of perjury under the laws of the United States of America and the State of Alaska that the foregoing is true and correct.

Executed on **May 28, 2019**, at Sacramento, California.

/s/ Roxv A. Chipak

Roxv A. Chipak